

UNITED STATES DISTRICT COURT

for the

Southern District of Illinois

ALAN SMITH

Case Number:

15-434-SM

(Clerk's Office will provide)

Plaintiff/Petitioner(s)

LT. FOVALDI
 C/O BENNETT
 C/O MILOR
 Sgt. DEBOUT ET AL

Defendant/Respondent(s)

☒ CIVIL RIGHTS COMPLAINT

pursuant to 42 U.S.C. §1983 (State Prisoner)

☐ CIVIL RIGHTS COMPLAINT

pursuant to 28 U.S.C. §1331 (Federal Prisoner)

☐ CIVIL COMPLAINTpursuant to the Federal Tort Claims Act,
28 U.S.C. §§1346, 2671-2680, or other law

I. JURISDICTION

Plaintiff:

- A. Plaintiff's mailing address, register number, and present place of confinement.

ALAN SMITH
 CHESTER MENTAL HEALTH CENTER
 P.O. BOX 31
 CHESTER, IL 62233

Defendant #1:

- B. Defendant LT. FOVALDI is employed as

(a) (Name of First Defendant)

LT. (FORMER Sgt.)

(b) (Position/Title)

with MENARD CORRECTIONAL CENTER

(c) (Employer's Name and Address)

P.O. BOX 10000, MENARD IL 62259

At the time the claim(s) alleged this complaint arose, was Defendant #1
 employed by the state, local, or federal government? ☒ Yes ☐ No

If your answer is YES, briefly explain:

LT FOVALDI WAS EMPLOYED AT THE
 ABOVE CENTER

Defendant #2:

C. Defendant C/O BENNETT is employed as

(Name of Second Defendant)

CORRECTIONAL OFFICER

(Position/Title)

with MENTER C.C.

(Employer's Name and Address)

P.O. BOX 1000, MENTER IL 62259

At the time the claim(s) alleged in this complaint arose, was Defendant #2 employed by the state, local, or federal government? ☒ Yes ☐ No

If you answer is YES, briefly explain:

C/O BENNETT WAS A CORRECTIONAL OFFICER

Additional Defendant(s) (if any):

D. Using the outline set forth above, identify any additional Defendant(s).

3.) C/O MURPHY
CORRECTIONAL OFFICER

MENTER C.C.

P.O. BOX 1000, MENTER IL 62259

4.) Sgt. BROWN
(FORMER C/O)

MENTER C.C.

P.O. BOX 1000, MENTER IL 62259

#5.) Sgt. Harris
(FORMER C/O)
MENTED C.C.

10.) C/O Brock
C/O
MENTED C.C.

#6.) Sgt. Mennrich
Sgt.
MENTED C.C.

11.) C/O Elston
C/O
MENTED C.C.

#7.) C/O Neght
C/O
MENTED C.C.

#8.) C/O John Doe
C/O
MENTED C.C.

#9.) Sgt. Lutton
(FORMER INTEL C/O)
MENTED C.C.

(3)

C.)

SMITH

v.

GRIEVANCE OFFICER HASTINGS

CENTRAL DIST. COURT

DOCKET NUMBER NOT SURE

JUDGE NOT SURE

CIVIL RIGHTS ACTION

DISMISSED

FEB. 2010

Mar 2010

(5)

II. PREVIOUS LAWSUITS

A. Have you begun any other lawsuits in state or federal court relating to your imprisonment? ☒ Yes ☐ No

B. If your answer to "A" is YES, describe each lawsuit in the space below. If there is more than one lawsuit, you must describe the additional lawsuits on another sheet of paper using the same outline. Failure to comply with this provision may result in summary denial of your complaint.

1. Parties to previous lawsuits:

Plaintiff(s):

SMITH

✓

Defendant(s):

QUINTRO

2. Court (if federal court, name of the district; if state court, name of the county):

NORTHERN DIST. COURT

3. Docket number:

NOT SURE

4. Name of Judge to whom case was assigned:

SUSAN E. COX

5. Type of case (for example: Was it a habeas corpus or civil rights action?):

CIVIL RIGHTS ACTION

6. Disposition of case (for example: Was the case dismissed? Was it appealed? Is it still pending?):

SETTLED

7. Approximate date of filing lawsuit:

OCT. 2006

8. Approximate date of disposition:

JAN. 2009

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III. GRIEVANCE PROCEDURE

A. Is there a prisoner grievance procedure in the institution? ☒ Yes ☐ No

B. Did you present the facts relating to your complaint in the prisoner grievance procedure? ☒ Yes ☐ No

C. If your answer is YES,

1. What steps did you take?

PLAINTIFF EXHAUSTED ALL AVAILABLE REMEDIES IN GRIEVANCE PROCEDURE

2. What was the result?

NONE OF HIS GRIEVANCES WERE LOST IN FILING SYSTEM AND THE ONES THAT WERE LOST TO THE COUNSELOR WERE SENT TO BE GOT OF TIME FRAME.

D. If your answer is NO, explain why not.

~~NA~~

E. If there is no prisoner grievance procedure in the institution, did you complain to prison authorities? ☐ Yes ☐ No

F. If your answer is YES,

1. What steps did you take?

2. What was the result?

~~NA~~

G. If your answer is NO, explain why not.

H. Attach copies of your request for an administrative remedy and any response you received. If you cannot do so, explain why not:

PLAINTIFF IS CURRENTLY HELD IN MENTAL INSTITUTION AND HAS NO ACCESS TO HIS PROPERTY.

IV. STATEMENT OF CLAIM

- A. State here, as briefly as possible, when, where, how, and by whom you feel your constitutional rights were violated. Do not include legal arguments of citations. If you wish to present legal arguments or citations, file a separate memorandum of law. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. If your claims relate to prison disciplinary proceedings, attach copies of the disciplinary charges and any disciplinary hearing summary as exhibits. You should also attach any relevant, supporting documentation.

1.) MR. SMITH HAD A NEGATIVE OUTBURST ON NOV. 13, 2013 OF WHICH CHASED HIM TO BE ILLEGITIMATELY KICKED BY LT. EDWARDS AND REMOVED FROM HIS CELL IN A SUDEN MANNER BY PO BENNETT, PO ALKORF AND SGT. BEBOU.

2.) MR. SMITH WAS THEN TAKEN TO THE NORTH 2 INFIRMARY UNIT BULLPEN WHERE HE WAS MADE TO LIE ON THE FLOOR WHILE THE ABOVE CITED DEFENDANTS VIOLENTLY KICK AND PUNCH HIM IN THE REGION OF HIS TORSO FOR APPROX. 10 MIN. SUCH CHASED MR. SMITH TO DEFECATE UPON HIMSELF.

3.) AFTER THIS TURN OF EVENTS MR. SMITH WAS THEN IMMEDIATELY SEEN BY MEDICAL AND STRIPPED OF HIS CLOTHES WHICH REVEALED THE FECK LETTER ON HIS POSTERIOR.

4.) MR. SMITH WAS ALSO SEEN BY INTERNAL AFFAIRS OFFICER SGT. LUTHERS WHILE DEVASTED WITH THE FECK LETTER UPON HIM AND WAS NOT AFFORDED WITH A PROPER INVESTIGATION AS TO CHASE.

5.) AFTER Sgt. LUTHER STU MR SMITH HE WAS PUT IN THE BULLPEN AGAIN WHERE SGT. BEBART PUNCHED, KNEED AND APPLIED PRESSURE POINTS FOR APPROX 5 MIN UNTIL MR. SMITH'S MENTAL HEALTH SPECIALIST DR. DELONG ARRIVED TO TALK TO HIM.

6.) Mrs. Delong was TOLD THAT MR SMITH HAD RUBBED THE FECKL MATTER UPON HIS OWN POSTERIOR, WHICH WAS A LIE;

7.) NEVERTHELESS SHE MADE NOTE OF SUCH IN HIS MENTAL HEALTH RECORDS AND THEN LEFT.

8.) MR. SMITH WAS THEN FORCED TO WALK BACKWARDS IN HIS NUDE WITH THE FECKL MATTER UPON HIM STILL DOWN & FLIGHT OF STAIRS HANDCUFFED AND SHAKLED.

9.) HE WAS FORCED DOWN THE 4TH GALLERY WITH HIS FACE TO THE LEVEL OF HIS KNEES AND HIS ARMS TWISTED UPWARDS TIL HE ARRIVED TO N2 4-53.

10.) MR SMITH WAS PLACED IN THIS CELL AFTER HIS MATTRESS WAS REMOVED AND HIS WATER WAS TURNED OFF TO FURTHER ELEVATE HIS DISCOMFORT AND NOT ³ GIVE HIM AN OPPORTUNITY TO WASH THE MUCK OUT OF

his eyes & the teeth out of his posterior.
 11.) Mr. Smith was then not fed for many days by % Brock, % Elston and other officers.

12.) Mr. Smith remained in this condition until approx. Nov. 21, 2013. From this date he was placed on watch by Dr. Delong to assist him in being fed and such was done a few times hereafter.

13.) From Nov. 13, 2013 to Feb. 7, 2014 Mr. Smith was not permitted to shower to remove the agents cited in photograph #10 because Sgt. Harris and his co-worker "John Doe" would not let him do so. Such caused many painful sores to develop on the surface of plaintiff's skin.

14.) Also during this timeframe Mr. Smith was absent of his personal property due to Sgt. Menright and % Negt abuse of authority. This caused Mr. Smith to have no hygienic products, stationery items, or clothing to keep warm throughout the cold winter season while the (9) Hekt was not working.

15.) So for the foregoing reason to be
expressed herein these defendants
stand in violation of Plaintiff's
established rights.

V. REQUEST FOR RELIEF

State exactly what you want this court to do for you. If you are a state or federal prisoner and seek relief which affects the fact or duration of your imprisonment (for example: illegal detention, restoration of good time, expungement of records, or parole), you must file your claim on a habeas corpus form, pursuant to 28 U.S.C. §§ 2241, 2254, or 2255. Copies of these forms are available from the clerk's office.

MR. SMITH REQUEST THE COURT TO HAVE
DEFENDANTS WORKED TIME WITH COMPENSATORY
DOLLARS OF \$750,000.00 AND PUNITIVE
DOLLARS OF 500,000.00

VI. JURY DEMAND (check one box below)

The plaintiff ☒ does ☐ does not request a trial by jury.

DECLARATION UNDER FEDERAL RULE OF CIVIL PROCEDURE 11

I certify to the best of my knowledge, information, and belief, that this complaint is in full compliance with Rule 11(a) and 11(b) of the Federal Rules of Civil Procedure. The undersigned also recognizes that failure to comply with Rule 11 may result in sanctions.

Signed on:

5/16, 2014
(date)

Signature of Plaintiff

[Signature]

P.O. BOX 31, LEACH RD.

Street Address

ALLEN SMITH

Printed Name

CHESTER, IL 62233

City, State, Zip

Prisoner Register Number

Signature of Attorney (if any)

